



Entered on Docket
September 13, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

Robert M. Charles, Jr. (NV 6593)
John Hinderaker (AZ 018024)
Marvin Ruth (NV 10979)
3993 Howard Hughes Parkway, Ste. 600
Las Vegas, Nevada 89169-5996
Telephone (702) 949-8320
Facsimile (702) 949-8321
Email: rcharles@lrlaw.com
jhinderaker@lrlaw.com
mruth@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

**USA COMMERCIAL MORTGAGE
COMPANY,**

Debtor.

Case No. BK-S-06-10725-LBR
Chapter 11

**Order Sustaining Fifth Omnibus Objection
Of USACM Trust To Proofs Of Claim
Based In Part Upon Investment In The
Palm Harbor One Loan**

Hearing Date: August 30, 2011
Hearing Time: 10:30 a.m.

The Court having considered the "Fifth Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Whole or In Part Upon Investment in The Palm Harbor One Loan," ("Palm Harbor Loan") [DE 8597] (the "Objection"); the Court having heard the Objection on August 30, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed on **Exhibit A** does not affect the direct lenders' right to

1 repayment by the borrower or from the collateral securing the Palm Harbor Loan; and
2 good cause appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 8597] is sustained; and
5 2. The claims listed on **Exhibit A** attached are disallowed to the extent those
6 claims are based upon an investment in the Palm Harbor Loan.

7
8 PREPARED AND RESPECTFULLY SUBMITTED BY:

9 **LEWIS AND ROCA LLP**

10
11 By /s/ John Hinderaker (AZ #018024)

12 Robert M. Charles, Jr.

13 John Hinderaker (*pro hac vice*)

14 3993 Howard Hughes Parkway, Ste. 600

15 Las Vegas, Nevada 89169-5996

16 Telephone: (702) 949-8320

17 Facsimile: (702) 949-8321

18 *Attorneys for USACM Liquidating Trust*
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LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

_____ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: _____

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)
Attorneys for USACM Liquidating Trust

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**USACM Trust
Palm Harbor One, LLC
Multiple Loan Claims**

Claim	Date Claim was Filed	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the Palm Harbor One Loan
10725-02062	1/11/2007	Dery Tenants In Common, Ann R & James D	10 Longmeadow LN Beachwood, OH 44122	303,615.18	100,000.00
10725-01027	11/6/2006	Downing, Ernest W & Eva M	811 NE 157Th Ave Portland, OR 97230-5428	150,000.00	100,000.00
10725-02405	1/17/2007	Dunbar Rlt Dtd 11/21/98	Donald C & Wanda Dunbar TTEES 20282 Bordeaux Drive Reno, NV 89511	1,459,731.24	300,000.00
10725-01742	12/7/2006	Ferguson Living Trust Dtd 6/28/00	C/O Patricia Ferguson TTEE 3985 Lake Placid Dr Reno, NV 89511-6780	150,000.00	50,000.00
10725-02519	6/6/2007	Gerald L Bittner Sr Dds Inc Profit Sharing Plan &	Trust Dated 1/15/91 14067 Apricot HI Saratoga, CA 95070-5614	50,000.00	47,536.23
10725-01936	1/9/2007	Halseth Family Trust Totally Restated 4/21/00	Daniel R & Sandra K Halseth TTEES 23 Molas Dr Durango, CO 81301	Unknown	Unknown
10725-02292	1/12/2007	Helms Homes LLC	Terry Helms 809 Upland Blvd Las Vegas, NV 89107-3719	12,697,934.44	2,000,000.00
10725-02048	1/11/2007	High, Edward O	1413 Pelican Bay Trail Winter Park, FL 32792	403,994.76	50,000.00
10725-01863	1/8/2007	Hubbard Trust Dated 7/29/1998	C/O George W Hubbard And Carol N Hubbard Trustees 6340 N Calle Tregua Serena Tucson, AZ 85750-0951	162,500.00	25,000.00
10725-02059	1/11/2007	Jack R Clark & Linda C Reid Jt Ten	9900 Wilbur May Pkwy #4701 Reno, NV 89521-3089	1,782,032.06	100,000.00

EXHIBIT A

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